

Notice of Allowability

Application No.

09/406,486

Applicant(s)

SAKO ET AL.

Examiner

Firmin Backer

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3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/1/2005.
2. ☒ The allowed claim(s) is/are 1-12 and 14-26.
3. ☒ The drawings filed on 27 September 1999 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

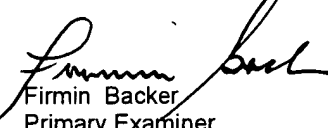
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Firmin Backer
Primary Examiner
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DETAILED ACTION
EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Thomas Preston on June 30, 2005.

The application has been amended as follows:

Claim 1,

Replace **"characterized in that"** *by* **"the method comprising the step of: electronically process"**

Claim 14,

Replace **"characterized in that"** *by* **"the method comprising the step of: electronically process"**

Claim 15,

Replace **"characterized in that a receiver"** *by* **"the method comprising the step of: a receiver to electronically select"**

Claim 16,

After **"the step of:"** *insert* **"electronically"**

Claim 18,

After “the step of:” insert “electronically”

Allowable Subject Matter

1. Claims 1-12 and 14-26 are allowed.
2. The following is an examiner's statement of reasons for allowance:
 - a. Applicant disclose an inventive concept to provide an information distributing method and system by which the above problem is solved and in which when information subjected to billing is distributed, an amount of money billed when information is distributed once reflects automatically the intention of information offerer and the estimation of user. Applicant's concept is novel an innovative in the sense that an amount of money billed every time the information is distributed once is determined depending on the number of times that the information has previously been distributed to at least one user within a predetermined time period each amount of money being determined independently for each time information is distributed. Rosenthal, the closest prior art teach an information distribution system is adapted for receiving communications from subscribers via facsimile, telephone calls, the Internet, etc., in which new subscribers can initially be registered with the system, and which current subscribers can add new areas of interest, delete others, and otherwise modify various parameters by which the information is delivered to the recipient. Rosenthal fail to teach an amount of money billed every time the information is distributed once is determined depending on the number of times that the information has previously been distributed to at least one user

within a predetermined time period each amount of money being determined independently for each time information is distributed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

b. *Derrick (U.S. Patent No 6,148,301) teach a system where each unit of information has an associated cost type and cost value that are used to calculate a price for the information. The cost may be pay per view, pay per byte, pay per time, etc. When the end user requests consumption of information, the metering mechanism determines whether the end user can consume the information.*

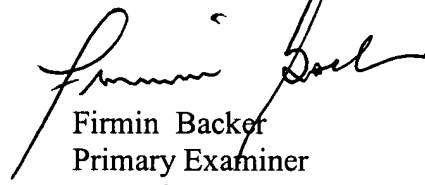
c. *Roestenburg (WO 02/33574 A2) teach a system wherein information is communicated in relation to communication to web content.*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Firmin Backer whose telephone number is (571) 272-6703. The examiner can normally be reached on Mon-Thu 9:00 AM - 5:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Firmin Backer
Primary Examiner
Art Unit 3621

June 30, 2005